

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
HELD TUESDAY, OCTOBER 18, 2005

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
DEAN AUSILIO, VICE-CHAIRMAN
MICHAEL D. KOEHS, SECRETARY
MEMBERS: JOA PENZIEN
CHARLES OLIVER
ARNOLD THOEL
DEBORAH ZOLNOSKI

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Township Attorney
Jerome R. Schmeiser, Community Planning Consultant
(Additional attendance on file with Clerk)

Call Meeting to Order

Edward Gallagher called the meeting to order at 7:00 p.m.

Pledge of Allegiance

1. Roll Call.

Clerk KOEHS called the Roll Call. All members present.

2. Approval of Agenda Items. (*With any corrections*)

MOTION by KOEHS seconded by PENZIEN to approve amended agenda.

MOTION carried.

3. Approval of the previous October 4, 2005 previous Meeting Minutes

MOTION by OLIVER seconded by THOEL to approve the October 4, 2005 Meeting Minutes.

MOTION carried.

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AGENDA ITEMS:

4. **Tentative Preliminary Plat (Revised); West Park Estates Subdivision;** Located on the north side of 25 Mile Road, approximately 975 feet east of Luchtman Road; Montana Homes, Inc., Petitioner. Permanent Parcel No. 08-04-300-005.

Jerome R. Schmeiser, Community Planning Consultant, simultaneously reviewed agenda item numbers 4-5 findings and recommendations for approval.

Petitioner Present: Jeff Allegoet of Anderson Eckstein and Westrick

Public Portion: None

MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to approve the Revised Tentative Preliminary Plat; West Park Estates Subdivision; Permanent Parcel No. 08-04-300-005. This motion is based on the Planning Consultants recommendations as follows:

1. **The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations;**
 - a. **Macomb County Road Commission**
 - b. **Office of Public Works Commission of Macomb County**
 - c. **Macomb County Health Department**
 - d. **Macomb County Planning Commission**
 - e. **Michigan Department of Environmental Quality**
 - f. **All public utility companies affected.**
 - g. **That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying the plat to any public street be installed by the petitioner.**
2. **The Township Engineer approves all engineering plans for the computed plat.**
3. **That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**

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4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval shall be incorporated into the Final Preliminary Plat.
5. That all public street drain crossing within the boundaries of the Tentative Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145(10) of the Macomb Township Code.
6. That all lots within the Tentative Preliminary Plat meet the requirements of the Township Zoning Ordinance.
7. Flood Plain Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.
8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
9. That the "20 ft. common area for landscaping purposes" be developed in accordance with the provisions of the Land Division Ordinance of Macomb Township. A plan for the area must be prepared by a registered landscape architect and include a layout of plants proposed for the area, an irrigation system including sprinklers, mulching materials for planting beds and details for the installation of all features of the plan. Also to be included is a cost estimate for the development of the area. Said cost list to be prepared by the registered landscape architect who prepared the plan.
10. That a bond in an amount determined by the estimates prepared by a registered landscape architect and approved by the Township Consulting Engineer be posted assuring the development of the "landscape easement." The bond must be posted with the Macomb Township Treasurer prior to the acceptance of the application for Final Preliminary Plat.
11. That the tentative preliminary approval expires one year from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please

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make note of the above date. Any application for extension must be received by this office prior to the expiration date.

- 12. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits 2 copies of the plat to the Supervisors office for addressing. Addresses will be assigned after the final preliminary plat approval by the Township Board.**
- 13. That the petitioner submits 2 copies of the restrictive covenants that will be recorded with the plat. The Restrictive Covenants must include an article to provide for the perpetual maintenance of all limited common areas that may include regulated wetlands, landscape areas, and floodplains. The covenants must be submitted with the application for Final Preliminary Plat.**
- 14. If a 'phasing plan' has not been submitted it is assumed that this subdivision will be developed in one phase. Please be advised that any revisions to the phasing plan for this plat must be reviewed and approved by the Planning Commission and Township Board and incorporated into the Tentative Preliminary Plat as a Revised Tentative Preliminary Plat.**
- 15. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearing involving variance requests.**

MOTION carried.

- 5. Final Preliminary Plat; West Park Estates Subdivision; Located on the north side of 25 Mile Road, approximately 975 feet east of Luchtman Road; Montana Homes, Inc., Petitioner. Permanent Parcel No. 08-04-300-005.**

Jerome R. Schmeiser, Community Planning Consultant, simultaneously reviewed agenda item numbers 4-5 findings and recommendations for approval.

Petitioner Present: Jeff Allegoet of Anderson Eckstein and Westrick

Public Portion: None

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MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to approve the Final Preliminary Plat; West Park Estates Subdivision condition on revised landscape plans being submitted to the Township Clerks Department to show the 8' pathway along 25 Mile Road to the Townships satisfaction. Permanent Parcel No. 08-04-300-005. This motion is based on the Planning Consultants recommendations as follows:

- 1. The petitioner submit evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulation.**
 - a. Macomb County Road Commission**
 - b. Office of Public Works Commission of Macomb County**
 - c. Macomb County Health Department**
 - d. Macomb County Planning Commission**
 - e. Michigan Department of Environmental Quality**
 - f. All public utility companies affected.**
 - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying the plat to any public street be installed by the petitioner.**
- 2. The Township Engineer approves all engineering plans for the computed plat.**
- 3. That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**
- 4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.**
- 5. That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.**
- 6. Flood Plain Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**

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7. That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145(10) of the Macomb Township Code.
8. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
9. That the 'landscape easement'; that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.

It is noted that in the development of the landscape easement, that no stones (a cobblestone measuring 3-8" in diameter is permitted) or loose materials are allowed to within 3 feet of any paved areas.

10. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
11. All street names are cleared by the Township Supervisor for purposes of continuity as part of the application for the tentative preliminary plat. Any changes in street names must be authorized by the Supervisor prior to the acceptance of an application for Final Plat. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.
12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letters so that the street can be easily identified during the construction of the plat.

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13. That the Restrictive Covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive Covenants' must be approved by the Township Attorney before an application will be received for Final Plat.
14. That the Articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of Incorporation' must be approved by the Township Attorney before an application will be received for Final Plat.
15. That the developer shall be responsible for having the Contract between Detroit Edison and Macomb Township executed and must establish the corresponding SAD for lamp charges. The items must be completed prior to the Developer applying for approval of the Final Plat.
16. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits.

In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

17. That revised landscape plans be submitted labeling the 8' pathway along 25 Mile Road.

MOTION carried.

6. **Revised Site Plan; Gateway Village;** Located on the northeast corner of 24 Mile Road and Hayes Road; Sal-Mar Building Company, Petitioner. Permanent Parcel No. 08-07-300-009.

Tabled to the November 1, 2005 Meeting at the petitioner's written request.

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7. **Temporary Ground Sign; Golfview Estates Subdivision;** Located on the east side of North Avenue, approximately ½ mile north of 21 Mile Road; Paul Henderson, Petitioner. Permanent Parcel No. 08-25-301-001.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Ken Davis of Legacy LLC

Public Portion: None

MOTION by KOEHS seconded by THOEL to approve the Temporary Ground Sign; Golfview Estates Subdivision for a period of one (1) year. The proposed sign will be 5'6" wide and 8'6" tall and contains approximately 30 square feet. The sign will be located within the 20' dedicated landscape area and set back 10' from North Avenue adjacent to lot 32 and 25' from Golfview Drive. This motion is based on the Planning Consultants recommendations as follows:

1. **That Section 10.0319 of the Zoning Ordinance be met.**
2. **That a \$500.00 cash bond be posted assuring the construction of the sign as approved.**

MOTION carried.

8. **Land Division Variance; Clearstone Subdivision;** Located on the southwest corner of 26 Mile Road and Luchtman Road; Lehner and Associates, Petitioner. Permanent Parcel No. 08-05-200-011.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Bill Thompson of Lehner and Associates

Public Portion: None

MOTION by KOEHS seconded by AUSILIO to forward the recommendation to the Township Board of Trustees to approve Clearstone Subdivision Land Division Variance of Sections 17-114 and 17-145 to allow the final plat for Clearstone to be reviewed and approved prior to the completion of proposed improvements including the 8' asphalt pathway and landscaping. Permanent Parcel No. 08-05-200-011. This motion is based on the Planning Consultants recommendations as follows:

1. **It is recommended that variance request for the Clearstone Subdivision be approved.**

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MOTION carried.

9. **Revised Landscape Plan; Chelsea Court Subdivision (14 lots);** Located on the south side of 22 Mile Road, approximately ½ mile west of Heydenreich Road. Cornerstone Land Development Co., Petitioner. Permanent Parcel No. 08-28-200-025.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the petitioner's request asking for approval to revise their landscape plan to provide for seeding the landscape areas rather than sodding. Mr. Schmeiser recommended that the request be denied since this request would not conform with the Township division ordinance.

Petitioner Present: Jeff Allegoet of Anderson Eckstein and Westrick and Rino Plazzolo. Mr. Plazzolo addressed his concerns regarding the original landscape plan submitted.

Public Portion: Joyce Jonas, Township Resident, addressed her concerns regarding the establishment for a homeowners association for the proposed subdivision and the maintenance of the proposed park.

Lawrence Dloski, Township Attorney, indicated this should be a request for a variance from the Township Land Division Act. Clerk KOEHS addressed his concerns regarding variance procedures. Mr. Dloski indicated this variance is under the Township Land Division Ordinance, not under the Township Zoning Ordinance. However, this is a variance and the decision made by this Commission would only be a recommendation to the Township Board of Trustees who will take the final action on the matter.

MOTION by AUSILIO seconded by PENZIEN to forward the recommendation to the Township Board of Trustees to deny the revised Landscape Plan; Chelsea Court Subdivision (14 lots) and to recommend denial of any future requests of the Land Division Ordinance to vary the requirements for the landscape plan to provide for seed rather than sod. Permanent Parcel No. 08-28-200-025.

MOTION carried.

Mr. Allegoet asked the Commission to consider approving the Landscape Plan conditioned on providing sod on the landscape plan rather than seed.

Clerk KOEHS indicated that the Commission has made a recommendation to the Township Board of Trustees so if the petitioner wishes to change the landscape plan to convince the Board of Trustees to act on other than what was recommended they can do so. Mr. Schmeiser mentioned that if the petitioner contacts his office prior to or on the day of the Board of Trustees Meeting the matter is scheduled for, he would not have a problem inspecting the site on that day.

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11. Request to Schedule the Public Hearing Date; November 15, 2005; Regarding a Proposed Amendment to the Zoning Ordinance; Section 10.0704 B amending the maximum height for structures in the R-1 District.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request.

Clerk KOEHS information was submitted by Frank Mancini from the Masters of Macomb Development for informational purposes.

MOTION by AUSILIO seconded by PENZIEN to authorize to schedule the Public Hearing date for November 15, 2005 for the Proposed Amendment to the to Zoning Ordinance; Section 10.0704 B amending the maximum height for structures in the R-1 District.

MOTION carried.

PLANNING CONSULTANTS COMMENTS: None

PLANNING COMMISSION COMMENTS: None

12. Motion to receive and file all correspondence in connection with this agenda.

MOTION by PENZIEN seconded by ZOLNOSKI to receive and file all correspondence in connection with this agenda.

MOTION carried.

ADJOURNMENT:

MOTION by KOEHS seconded by THOEL to adjourn the meeting at 7:39 p.m.

MOTION carried.

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, CMC
Macomb Township Clerk
MDK/gmh